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July 27, 2017

VIA ECF

The Hon. Kevin N. Fox
United States District Court
Southern District of New York
40 Foley Square, Room 2203
New York, New York 10007

RE: Laspata DeCaro Studio Corp. v. Rimowa GmbH, et al., No. 16-cv-0934

Dear Judge Fox:

We represent Plaintiff Laspata DeCaro Studio Corp. ("LD") in the above-referenced copyright infringement action. We write regarding the Court's order dated July 26, 2017 [Dkt. No. 135], which set a telephone conference for August 3, 2017 regarding LD's recently-filed letter motion, [Dkt. No. 131]. For the reasons described below, LD respectfully requests that the Court reschedule the conference to occur prior to August 3.

As issued, the Court's order sets the teleconference for the same day that LD is scheduled to take the Rule 30(b)(6) deposition of Defendant Rimowa GmbH ("Rimowa"). As Your Honor is aware, LD's letter motion seeks the production of Rimowa's revenue information; the larger issue of Rimowa's revenues, profits and expenses is one of the topics that LD noticed for questioning at the upcoming deposition. The resolution of LD's outstanding letter motion directly affects the scope of the revenue information to which LD will have access, and therefore impacts LD's ability to conduct the deposition on this key issue. LD respectfully submits that the letter motion should be resolved prior to the August 3, 2017 deposition.

Ordinarily, LD would seek to simply reschedule the Rule 30(b)(6) deposition until after the conference with the Court. Here, however, doing so is likely to cause significant burden: the August 3 date was the product of considerable negotiation between the parties, and Rimowa's corporate designee, a German resident, has made specific travel plans to fly to New York to be deposed on that date. If the deposition did have to be rescheduled, it would likely mean that the parties would be unable able to do so prior to the upcoming August 15, 2017 fact discovery deadline.

Accordingly, LD respectfully requests that the Court amend the prior order and reschedule the telephone conference for July 28, 2017 or as soon thereafter as counsel can be heard prior to August 3, 2017.

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LD has conferred with Rimowa regarding this matter, and Rimowa does not object to the relief requested in this letter. Additionally, counsel for both parties are available for a conference on any of the mornings of July 28, 31, or August 1–2.

Respectfully Submitted,
Frankfurt Kurnit Klein & Selz, P.C.
/s/ Andrew J. Ungberg
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cc: All Attorneys of Record (via ECF)